

Researching the Criminal Case Files for Fort Smith, Arkansas, 1860-1896

If you know of an individual who lived in Fort Smith, walked through it, breathed near it, or lived in nearby Indian Territory, you should take a gander at the index to the criminal cases for Fort Smith and keep an open mind.

Step 1.

You can access the index at the Southwest Region or via NARA Archival Information Location (NAIL) at the web address <http://www.nara.gov>.

Step 2.

Note the exact spelling of the individual's name, the jacket number, and any name listed in the *et al* column.

Step 3.

You may request the case papers in person, via the mail, or send a representative. If you are visiting the Southwest Region, please make a reservation to view these records. If you are mailing the request, please note that the minimum mail order is \$6.00. Checks or money orders should be made payable to the National Archives Trust Fund. Our mailing address is National Archives Southwest Region, P.O. Box 6216, Fort Worth, TX, 76115.

Want more Information?

Step 1.

Try the Common Law Record Books -- on microfilm publication 7RA-77 and 7RA-117. These books contain orders issued in law, civil, and criminal proceedings heard in the Fort Smith court. The volumes also contain the texts of orders admitting attorneys to practice before the court, appointing court officials, and approving financial accounts of court officials. Each volume contains an index to plaintiffs or to defendants if the United States was the plaintiff as in criminal cases.

Step 2.

Try the Sentence Record Books, 1884-1909 -- on microfilm publication 7RA-52. There are two parts to these books: 1.) The index and 2.) The record books. The index contains the name of the defendant, nature of the criminal offense, conviction or acquittal date, length of sentence, and a reference to a volume and page number in the common law record books for the period of 1866-1884 or the sentence record books for the period of 1884-1890. The sentence record book contains information on persons sentenced by the Fort Smith court to confinement in the U.S. jail at Fort Smith; state and county penitentiaries in Arkansas, Illinois, Michigan, New York, and Ohio; reform schools in the District of Columbia and Maryland and the U.S. penitentiary at Fort Leavenworth, Kansas. Each entry contains the name of the defendant, indictment or case number, nature of the offense, place of confinement, length of the confinement, and amount of fine, and the sentencing date. The National Archives -- Central Plains Region has records relating to prisoners at Fort Leavenworth. The Burton Collection, Detroit Public Library has records, including inmate registers and physicians reports from the Detroit penitentiary.

Step 3.

Try the Transcripts of Testimony -- they only cover 1889-1899. Until 1889, cases heard in the federal courts of the Western District of Arkansas could not be appealed to an appellate court. These records, arranged alphabetically, are unbound transcripts of testimony given in criminal proceedings which were appealed to the U.S. Supreme Court. A list of defendants to whom the transcripts relate is given in appendix B of the preliminary inventory of the U.S. Federal Court in Arkansas (Record Group 21).

Can't Find Them Listed in the Index?

Step 1.

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Step 2.

Make sure the individuals you are researching were indeed in the western portion of Arkansas or Indian Territory.

Step 3.

Try the various court records in Indian Territory. The Southwest Region has records pertaining to Federal Courts in Indian Territory. The Oklahoma Historical Society has records relating to those individuals who were tried in tribal courts.

Step 4.

Try newspapers, manuscripts, etc. in other repositories. Or perhaps your individual just did not get caught.

Other Sources

Oklahoma Historical Society
Archives Division
2100 North Lincoln Blvd.
Oklahoma City, OK 73105

Fort Smith National Historic Site
National Park Service
P.O. Box 1406
Fort Smith, AR 72902

Western History Collection
630 Perryington Oval
University of Oklahoma
Norman, OK 73019

Arkansas History Commission
One Capitol Mall
Little Rock, AR 72201